

AUDIO OPTICS, INC.

24 HUTTON AVE. #26

WEST ORANGE, NJ 07052

(201) 736-5490

MM Docket No. 95-176

Feb. 22, 1996

Office of the Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554

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To The Commission:

Enclosed, please find my comments/response to the Federal Communications Commission Notice of Inquiry, regarding Closed Captioning and Video Description of Video Programming, MM Docket No. 95-176.

Also enclosed is a promotional letter listing titles and prices of visually described features my organization has available.

Sincerely,



Albert D. Hecht, Pres.
Audio Optics, Inc.

Enclosures

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FEDERAL COMMUNICATIONS COMMISSION

NOTICE OF INQUIRY

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Closed Captioning and Video Description
of Video Programming

Docket No. 95-176

RESPONSE

I. INTRODUCTION

1. The figure of 8 million Americans with visual disabilities, though a substantial figure, is on the low side. Ophthalmologists, optometrists, and oculists, as well as psychiatrists and psychologists, will tell you that not all blind and visually impaired are "registered" or listed in any fashion or form so as to become a "statistic." You do say that there are reports of larger estimates. This respondent believes that some sort of statistical check with the Library of Congress, and other sources servicing the blind and visually impaired with books, might very well indicate a larger estimate. Even with this, the total figure would not be near capacity.

And can anyone tell how many Second Audio Program (SAP, aka MTS sound) receivers are available... and what number of these SAP receivers are for the purpose of a foreign language, usually Spanish? It is at least four years since the largest retail distributor of such equipment, Radio Shack, has ceased selling the stand-alone receiver.

There are now other methods and techniques of receiving programs with Video Description. There are TV's and VCR's that now have the reception capabilities for the SAP (MTS) sound.

Most newspapers--at least in the Connecticut to Maryland area (Channel 13, NYC)--do not list those PBS shows with Video Description. Shockingly, this includes the New York Times. Nor do many blind and visually impaired people know they can call an 800 number for the Descriptive TV schedule. WGBH-TV (DVS) did, at one time, send an audio tape with the Video Description broadcasting schedule--but, their budget was cut!

It should be noted here, that hidden in your FCC Notice of Inquiry--and I say "hidden" as it is mentioned only once--is the fact that Closed Captioning is a congressional mandate but Video Description is only being "studied"--whatever that means!

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II. BACKGROUND

6. Video Description. As touched upon in my introduction, herein you mention the equipment necessary to receive Video Description. Please note that this respondent called one of the largest electronics chain stores in the country in reference to a VCR with stereo and was unpleasantly surprised to hear the salesperson state that they did not carry a "television or VCR that is capable of receiving the Second Audio Program (SAP) channel, or a television adapter for this channel." We do know that such equipment is available in abundance, making it obvious that the FCC should assist in getting this information out through newspapers, radio, and television. Is it possible for the FCC to ask the manufacturers of stereo equipment with Video Description capability to assist in training retail and mail order salespersons of such equipment?

III. THE PUBLIC INTEREST BENEFITS OF CLOSED CAPTIONING & VIDEO DESCRIPTION

11. It is a well known fact that many people with either hearing impairments or visual impairments do not register or list these failings with any organization. The knowledge of their deficiency is usually limited to family and close friends. Census reports are never accurate in this area.

The population of the U.S. is growing older. Thus the number of persons with hearing and/or visual disabilities is expected to grow in the coming years.

I take the strong stand that the population numbers you ask for can only be rough "guesstimates." In reality--and I have discussed this "number" question with many organizations serving the blind and visually impaired--there is no accurate answer to this "number" question. As indicated herein, I would wager that it is much greater than almost any published figure.

However, there is an exception to the number question when inquiring about the disabilities of children, whether hearing impaired or visually impaired. These figures usually come from educational departments and are, more often than not, accurate. The disabled children attending public and private schools benefit from the guidance of teachers who more recently have been trained in these specialty areas.

IV. AVAILABILITY OF CLOSED CAPTIONING & VIDEO DESCRIPTION

15. Video Description. I think it is important to note that the Narrative Television Network does "open" Video Description wherein no special equipment is necessary. We have already mentioned the special equipment or TV's or VCR's necessary with PBS "closed" Video Description.

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16. There have been efforts by groups other than PBS to broadcast Video Description. Some years ago my organization, Audio Optics, Inc., with the assistance of the PaperMill Playhouse in Millburn, NJ, did broadcast five programs with Video Description, including the famous "Showboat" as played at the PaperMill. Unfortunately, WNET-TV showed disapproval of our use of this channel which covers the largest metropolitan area in the U.S.

There are many "program" categories that could benefit from Video Description. The question of which ones is totally dependent upon the subject matter and the potential audience for the selected subject matter. Without question, almost every "story type" of program or broadcast would be aided by Video Description. ("story type" means such programs as Mystery!).

The broadcast of "live" programs--meaning in "real-time"--with Video Description is possible. This has already been done from Washington during the Inauguration. Though not as sharp and clean as a well rehearsed motion picture, it was totally effective and enjoyable, and proved that it could be done.

Your question in reference to the number of pieces of equipment that can receive Video Description is best answered by the manufacturers of the equipment and/or their association.

17. The Impact of Digital Television. This respondent, though an expert in the area of Video Description--the actual description and narration--is not qualified in the technique of Digital Television. Consequently, I must pass this question on to more knowledgeable respondents.

V. THE COST OF CLOSED CAPTIONING AND VIDEO DESCRIPTION

18. Cost Issues. The FCC cost estimates are pretty much correct for Video Description. This respondent, as a producer of Video Description, does not use computers in the recording phase of the descriptive track. Specializing in "story type" programming, we make better use of 3/4 inch SP Betacam equipment for recording. However, a contract associate, doing our finishing, does use a computer in which he stores our tracks. Though some features are more difficult than others to describe, the average one and a half hour picture--as an estimate--would cost about \$4,000.00. This is a cost figure and does not include overhead and profit.

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19. Supply of Closed Captioning and Video Description Services. Based on my work with those who do Closed Captioning in "live" theatre, and on my knowledge of Closed Captioning for TV programming, this respondent sincerely believes that the availability of this technique is unlimited. Contrary to this is the length of time it takes for the proper description and narration of a program for the blind and visually impaired. The feature picture often takes 2-4 months from selection to completion. Consequently, there is almost an unlimited supply for Closed Captioned production with only a few organizations trained in Video Description.

20. Funding of Closed Captioning and Video Description. Certainly, funding for Video Description is frighteningly limited, particularly when compared to the funding, and possible funding, of Closed Captioning. Obviously, Closed Captioning of a feature picture, or any other type of 1½ hour length, is almost miniscule when compared to the cost of describing for a visually described program or video tape of the same length.

Though there are a number of organizations doing Description for "live" theatre, there are only 3 presently known to be doing Video Description for television and motion picture: WGBH-TV, Narrative Television Network and Audio Optics, Inc. The first, WGBH, is funded by the Department of Education who, in turn, gets corporation sponsors to fund all or part of a program. This commercial funding, or underwriting, is both for the PBS broadcasts as well as visually described programming made for sale and rental. For what ever reason, the WGBH Educational Foundation--probably not knowing the retail business of video tapes--entered into contracts with the film producers for a price normally too high for the potential buyers--libraries, organizations, individuals.

Fortunately, the large commercial organization, Blockbuster Video, has recently entered into a contract testing the rental of the WGBH produced tapes in a selected number of their retail stores. With proper promotion, this should greatly expand the market for the blind and visually impaired who would like to take advantage of visually described programs.

As this is being written, two of the leaders in Video Description, and respondents to this Notice of Inquiry, Margaret and Cody Pfanstiehl, are presently in Florida discussing the Blockbuster situation. They have also conferred with Ted Turner, certainly well known to your own organization, about Video Description for his properties and, possibly, stations.

The second producer, Narrative Television Network, is primarily financed privately by Jim Stovall of Tulsa, OK. Stovall's "open captioning" production is commercially broadcast over 500 stations for about 20 hours per week. His costs and profit are presumably covered by commercials placed within the program. Stovall has also received a grant from the Department of Education which is now in production. I am sure his response to this Inquiry will cover his grant information.

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Audio Optics, Inc., (headed by this respondent, Albert D. Hecht) the smallest producer of visually described films (and TV series), is a not-for-profit producer and distributor that is financed by the personal funds of Mr. Hecht. Audio Optics, Inc. recognizes a much lower sales number to break even with his method of production. The realistic selling price of \$14.95 a tape (please see enclosed promo letter) also makes the purchase easier for libraries, organizations and individuals.

21. With the obvious cut-backs on all federal funding it is impossible for this respondent to predict information on the projected future levels of federal funding. For the current levels of all funding, see response to #20.

Your own Notice of Inquiry, verifying the funds made available to the Department of Education for Closed Captioning and Video Description, shows the terrible unjust imbalance: \$7.9 million in federal grants for Closed Captioning and \$1.5 million dollars in federal grants for Video Description. In view of the lack of any real totals for these two impairments, I challenge the FCC to justify this imbalance! Though there probably is a proven larger figure of individuals with hearing impairments, the larger relative cost of Video Description production clearly demonstrates the imbalance.

VI. MARKET INCENTIVES FOR CLOSED CAPTIONING AND VIDEO DESCRIPTION

24. Video Description. It would appear to me that your response to this area should come only from Jim Stovall, Narrative Television Network.

VII. MANDATORY CAPTIONING AND VIDEO DESCRIPTION REQUIREMENTS

25. Introduction. What is meant by "examining the means of promoting Video Description? How would this examination be done and who would fund it?

26. Your alternate suggestion for the FCC to assess the possibility of adopting regulatory requirements for Video Description--rather than Congress--is preferred by this respondent. However, the method of "choice" of which subjects should be Video Described is not yet ready for a definitive response. Perhaps other respondents have choices and thoughts. I am not sure I will agree with them all but whatever their list, it will be the start for a discussion. Redundant or not, I must remind you of the difficulty and time consumption involved in Video Description.

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27. The Application of Mandatory Requirements. If, and when, a program is to be visually described, the description should be available from the first issue of the program. Though it is unlikely, it is hoped that the producer, or his distributor, has trained personal to produce the Video Description track. Or, and this is more likely, the original producer--or possibly the original distributor--can contract with a supplier of Video Description services.

As of now, it is the distributor of visually described material that has been responsible for the Video Description track. This respondent contends that when more describers are trained for Video Description, organizations--some that exist now or some yet to exist--will contract for the Video Description track with the producer and/or the distributor.

28. Exemptions. Though not directly concerned with Closed Captioning, I feel confident in suggesting that Closed Captioning, even for a subject that would have minimum distribution, could be effectively achieved by the use of "signing" which is done at a minimum cost and could be done in real-time.

29. Here, again, I might point out that Closed Captioning is relatively low cost and often in real-time but I must repeat, again, that it is the cost of producing a Video Description track plus the difficult testing and training of describers--and the testing and selection of narrators--that will limit the number of programs that can be done for the blind and visually impaired. Careful choices will have to be made and available funding must be sought. The converse of this is "what type of programming could be exempted with a minimum of denial to the blind and visually impaired?" If any organization is financially self sufficient to select their own programming for Video Description, so be it. However, it would be advisable to have some sort of committee--probably made up of members of organizations serving the visually impaired--to make suggestions regarding what should be visually described.

30. This has been commented on in #29.

31. With all potential cost problems and a common sense approach to this question, there is usually no reason for a well described radio broadcast, or a clearly described television broadcast, to be Visually Described. Of course, there will always be some exceptions. For example, I have a serious problem with some televised sports programs--particularly baseball--where most of it is chatter. The radio broadcasts of such events are often more specifically described. The radio commentator usually amplifies in greater detail what is happening on the field e.g., positioning, etc.

32. Technical and Quality Standards. The problem of standards for Video Description will be in the "control" of the audience. If the Video Description is clear and definitive, and helps improve the imagery for the visually impaired (or even the totally blind), audience testing will prove the program a success. Both radio and television have ways of measuring this.

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SAP channels are also used for foreign language translations of what is being done in English, and could be done for separate foreign language programming.

Interestingly enough, our New Jersey Network channel--which I receive on Comcast Cable--has an SAP channel going continuously but totally separate from the basic New Jersey Network channel. The programming varies but even includes the News.

As for Digital Technology, I am not yet sophisticated enough in this area. However, in research with blind and visually impaired friends and organization members who enjoy Video Description, I've yet to find any of them knowledgeable in this area. I understand that Digital Technology will probably be used in motion picture theatres for Video Description. Even here, there is a potential problem as we have been advised that there are two methods of Digital Technology.

34. Transition. My comments on timetables for both Captioning and Video Description have already been made. The product that must be considered, when discussing the rest of this paragraph, will determine suggested answers to the remaining questions. When important features (and other subjects) are desirable with Video Description, and a profit can be made from such subjects, the producers and distributors will probably get on the Video Description bandwagon!

35. Strategies To Improve Competition and Innovation. As some of us are trying to do know, this is purely a question of educating producers and distributors. As I have certainly indicated, herein, quality of the product will control growth and demand.

If the organization registers as a "not-for-profit" organization, and re-invests any profits from its fees or sales, etc., it will be eligible for tax-free status. With such an organization, deductibility is not an item.

36. Legal Authority. This respondent, with due deference, is surprised that any federal agency feels that research must be done on Video Description presumably to see if it is warranted.

My further comment on licensing for any type of broadcast entity is totally subject to supply and demand. Obviously, costs must be covered. It would be difficult, and probably totally wrong, for any government agency to mandate subjects and titles for Video Description. As mentioned earlier, the committee suggested in #29 could make the suggestions for titles and subjects. I do not feel comfortable with the FCC imposing mandatory requirements. This is a purely marketplace marketing situation. After the suggestions are made of what should be done, the investment of the cost will be, right or wrong, judged by this marketplace positioning. Perhaps producers and/or distributors will produce visually described versions of their programs based on suggestions. Or, perhaps, private organizations producing and selling visually described tapes will seek licenses based on these suggestions. Mandating any particular subject as a choice of a government agency is frightening.

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However, one must be very careful in judging the scope of any imposed regulations, particularly on material of any type that is so related to individualistic and personal choices.

* * * *

This respondent--who, by some, is considered an expert in the preparation and production of Video Description--has answered the questions to the best of his ability. However, he would like to know who at the FCC prepared the questions and what was their specific experience with Video Description? He would also like to know who, outside the FCC, was consulted e.g., the Department of Education, American Council of the Blind, American Foundation for the Blind, Federation of the Blind, etc., etc. It would be interesting to know if any Visually Described video tapes were screened by those of the FCC who are involved in this project.

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VISUALLY DESCRIBED VIDEOS NOW AVAILABLE:

1. "IT'S A WONDERFUL LIFE" A Frank Capra classic starring Jimmy Stewart, Donna Reed and Lionel Barrymore. A man facing ruin, who has had a hard time of it all his life, is sent help from above in the guise of a guardian angel. Charming comedy-drama, has scenes of great warmth, humor. Excellent performances. (1946)
2. "MAN WITH THE GOLDEN ARM" Directed by Otto Preminger, starring Frank Sinatra, Eleanor Parker and Kim Novak. Magnificent dramatic performance by Sinatra, playing the professional gambling house card dealer who needs treatment for his drug addiction. Interesting love triangle. Memorable Elmer Bernstein jazz score. (1955)
3. "TIM" Directed by Michael Pate, starring Piper Laurie and Mel Gibson. Lush, well-meaning chronicle of the relationship between an older woman (Laurie) and a younger, retarded man (magnificently played by Gibson). Movie is based on Colleen McCullough's first novel. (1979)
4. "CHILD IN THE NIGHT" Starring Tom Skerritt, JoBeth Williams and Darren McGavin. Typical "star performance" by Skerritt as overworked Seattle detective solving an intriguing murder mystery with reluctant assistance from Williams, who plays a criminal psychologist. Another great performance by Darren McGavin.
5. "THE THIRD MAN" Directed by Carol Reed. Starring Orson Welles, Joseph Cotten, Valli and Trevor Howard. Graham Greene's story of mysterious Harry Lime (Welles) in post-WWII Vienna is a bona fide classic, with pulp writer Cotten on a manhunt for Harry. Anton Karas' zither rendition of "The Third Man Theme" adds just the right touch. Howard and Valli are excellent in support. Carol Reed demonstrates his world fame as a director.

Our visually described tapes sell for \$14.95 each and this price includes packaging and shipping. Tapes are usually sent "Free Matter for the Blind."

Coming soon!! Two episodes of the hit television series, "ALL IN THE FAMILY", starring Carroll O'Connor as "Archie Bunker" and Jean Stapleton as "Edith."

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ALBERT D. HECHT VITAE

Mr. Hecht is a graduate of the Johns Hopkins University ('39) and a veteran of WWII. He began making documentary and educational films in 1946. Recognizing the potential and great possibilities, he entered the field of television in 1947. As a pioneer he participated in, and contributed to, most of the technological advances that have come about to date. A member and officer in many trade associations, Hecht is still a member of the Directors Guild of America (DGA) and the International Radio and Television Society (IRTS). He was one of the first film directors to use videotape and entered the home video market in 1972. He has lectured to many groups around the world and was a guest instructor at the School of Visual Arts in New York City. After losing his sight in 1981, Mr. Hecht limited some of his commercial activities and became a strong advocate for persons with visual disabilities and organizations for the visually impaired and blind.

In 1986 he became interested in Visual Description and has leaned heavily upon the advice and counsel of Cody and Dr. Margaret Pfanstiehl and on John Ball, president of the National Captioning Institute. Hecht arranged for, produced and directed the visual description track for the Oct. 27, 1989 PBS Network broadcast of SHOWBOAT. He did the same for DIRTY ROTTEN SCOUNDRELS, the feature motion picture starring Michael Caine and Steve Martin, for the National Captioning Institute who was hoping to get into the Visual Description area. Other programs include GLORY, THE TAILOR OF GLOUCESTER, and MIRACLE IN ROME. All, except GLORY and DIRTY ROTTEN SCOUNDRELS, have been played on the PBS Network with the Visual Description on the SAP channel.

Mr. Hecht also currently serves on the Visual Description Advisory Board of the PaperMill Playhouse in Millburn, New Jersey.

Mr. Hecht has produced and arranged distribution for visually described versions of: IT'S A WONDERFUL LIFE with Jimmy Stewart, THE MAN WITH THE GOLDEN ARM with Frank Sinatra, and TIM with Piper Laurie and Mel Gibson. Now in production, as of October 1993, are: CHILD IN THE NIGHT with Tom Skerritt and JoBeth Williams, THE THIRD MAN with Orson Welles, and THE ADVENTURES OF CHOPPY AND THE PRINCESS, a full length feature cartoon for visually impaired and blind children.

Through his company, Audio Optics, Inc., he has produced and arranged for distribution the visually described versions of the following: IT'S A WONDERFUL LIFE with Jimmy Stewart, THE MAN WITH THE GOLDEN ARM with Frank Sinatra, TIM with Piper Laurie and Mel Gibson, CHILD IN THE NIGHT with Tom Skerritt and JoBeth Williams, and THE THIRD MAN with Orson Welles.